IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

Bail Appl..No. 4292 of 2007()

CRIME 172/07 OF KUNNAMANGALAM POLICE STATION

PETITIONER/ACCUSED

RANJITH K.S., S/O SEKHARAN NAIR,
K.S.R. NIVAS, MADAVOOR P.O.,
NARIKUNI, KOZHIKODE TALUK.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS: COMPLAINANT & STATE

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1. SUB INSPECTOR OF POLICE,
KUNNAMANGALAM POLICE STATION,
KUNNAMANGALAM.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4292 of 2007

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Dated this the 16th day of July, 2007

O R D E R

Application for anticipatory bail. The petitioner is the husband of the defacto complainant. He faces allegations along with his relatives under Section 498A I.P.C. All the relatives have already been granted regular bail by the learned Magistrate on their surrender, submits the counsel. According to the counsel for the petitioner, the marriage had taken place on 9.9.2006. There is strain in the marital tie. Unfounded allegations are raised against the petitioners with the sole intention of vexing and harassing him and to compel him to accede to the terms dictated by the defacto complainant. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner prays, the learned Prosecutor does not seriously oppose the said prayer and I am satisfied that the petitioner can be granted anticipatory bail, subject to appropriate conditions. In coming to this conclusion I take note of the fact that the marital tie is likely to be marred beyond repair if the petitioner were arrested and detained in custody.

3. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 23.7.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 4 p.m. on 24.7.07 and 25.7.2007 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of one month and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 23.7.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 23.7.2007 as directed in clause (1) above, he shall be released from custody on his

executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 23.7.2007.

(R. BASANT)
Judge

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